

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JUSTIN GARDNER,

Petitioner,

vs.

STATE OF NEBRASKA,

Respondent.

8:18CV241

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. On March 18, 2019, the court directed Petitioner to file a brief in opposition to Respondent's motion to dismiss by April 8, 2019. ([Filing No. 22](#).) The court further ordered that Respondent would have 30 days after Petitioner's brief is filed to file and serve a reply brief or, if Respondent elected not to file a reply brief or Petitioner failed to timely submit a brief, Respondent would file a notice of case submission within 7 days thereafter. ([Id.](#)) On April 18, 2019, Petitioner filed a brief that is dated March 30, 2019. ([Filing No. 23](#).) Petitioner's brief was filed after the court's April 8, 2019 deadline, but Respondent did not submit a notice of case submission within 7 days of the missed deadline. Accordingly, and in order to efficiently progress this matter,

IT IS ORDERED that:

1. The court will consider Petitioner's brief as timely filed.
2. Respondent shall have until **May 20, 2019**, to file and serve a reply brief. If Respondent elects not to file a reply brief, Respondent shall inform the court by filing a notice stating that they will not file a reply brief and that the motion is therefore fully submitted for decision.

3. The clerk of court is directed to set a pro se case management deadline using the following text: **May 20, 2019**: check for Respondent's reply brief.

Dated this 18th day of April, 2019.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge